4.2 1371

1 00

AXIAMD.005CP1

CUSTOMER NO.: 20995

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Applicant

Andrew H. Cragg

Appl. No.

09/848,556

Filed

May 3, 2001

Por

METHODS OF PERFORMING

PROCEDURES IN THE SPINE

Examiner

Pedro Philogene

Group Art Unit

-3732

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, TranS1, Inc. ("Assignee"), by virtue of a Power of Attorney executed on December 20, 2001, a copy of which is attached.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Trans1. Inc., Assignee represents that it is the owner of a 100 percent interest in the above-identified application and co-owned U.S. Patent No. 6,558,390 filed as (U.S. Application No. 09/782,583), all by virtue of an assignment recorded at Reel No. 0137991, Frame No. 0143 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Disclaimer by Assignee

Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-referenced application that would extend beyond the expiration date of the full statutory term of Patent No. 6,558,390 and hereby agrees that any patent so granted

RECEIVED CENTRAL FAX CENTER APR 1 2 2005

AXIAMD.005CP1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Andrew H. Cragg

Appl. No.

09/848,556

Filed

: May 3, 2001

For

METHODS OF PERFORMING

PROCEDURES IN THE SPINE

Examiner

Pedro Philogene

Group Art Unit

3732

Kara Kara

AMENDMENT AND RESPONSE TO OFFICE ACTION MAILED NOVEMBER 12, 2004

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

The following amendments and remarks are responsive to the rejections set forth by the Examiner in the Office Action mailed November 12, 2004.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.